

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Crim. No.: 12-20145

Honorable Stephen J. Murphy

Magistrate Judge Elizabeth A. Stafford

DARRYL WRIGHT-BEY,

Defendant.

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ORDER OF DETENTION PENDING
SUPERVISED RELEASED VIOLATION HEARING

Defendant Darryl Wright-Bey is charged with violating the terms of his supervised release by committing new crimes; failing to report as directed to his probation officer; and violating the condition of his release forbidding him from excessive use of alcohol and from using controlled substances. His supervised release violation hearing is scheduled for April 20, 2015, before the Honorable Stephen J. Murphy. The government moved to detain Wrigt-Bey pending the April 20 hearing, and Wright-Bey objected. This Court held a detention hearing on March 26, 2015, during which United States Probation Officer Seth M. Martin testified.

Officer Martin repeated the allegations set forth in the Violation Report [21], including that Wright-Bey battered his wife on August 29, 2014

while under the influence of alcohol and prescription drugs, and that he then fled the scene and hid from law enforcement. Officer Martin reiterated that he told Wright-Bey that he needed to report to the probation office by 3:30 p.m. that same day, but that Wright-Bey did not appear as directed and sent a text message saying that he was going to take care of some matters because he knew that he would be locked up. Wright-Bey remained an absconder until he was arrested by the Michigan Department of Corrections (MDOC) in September, 2014, on a state absconder warrant. At the hearing, Officer Martin added that Wright-Bey's apprehension was precipitated by him seeing Immigration and Customs Enforcement (ICE) agents at the Eastern Market in Detroit, and then fleeing from them. This caused the ICE agents to pursue Wright-Bey, and he was arrested by the MDOC thereafter.

In support of his argument for bond, Wright-Bey argued that the MDOC has released him to live with his 70-year-old aunt, with a requirement that he wear a GPS tether. He stated that he has an extensive and problematic history of substance abuse, yet the United States Probation Department did not order him into treatment after he was placed on supervised release. Through his attorney, Wright-Bey admitted that his substance abuse problem caused him to hurt his wife, who he loves very

much.

The Court must order Wright-Bey detained unless he demonstrates by clear and convincing evidence that he will not flee or pose a danger to any other person or the community. Fed. R. Crim. P. 32.1(a)(6); 18 U.S.C. § 3143(a)(1). He did not sustain his burden. Wright-Bey is a flight risk, inasmuch as he absconded from pretrial supervision after telling Officer Martin that he knew that he was likely to be further imprisoned. The risk of further imprisonment remains, as does the likelihood that he will flee again. Further, despite loving his wife, he continued to abuse alcohol and prescription drugs, and then he battered her while he was under the influence. Given the hold that Wright-Bey's addiction appears to have on him, there is every reason to believe that he would likely engage in the same type of conduct even while living with his elderly aunt and wearing a GPS tether. These facts deem Wright-Bey a danger to the community and a flight risk if he were released.

Accordingly, the Court GRANTS the government's motion for detention pending Wright-Bey's supervised release violation hearing.

IT IS SO ORDERED.

Dated: March 26, 2015
Detroit, Michigan

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge